

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: May 13, 2005
	)	
Sohalia Alemi	)	DOCKET NO.: 04F-378
Acting Branch Chief – CIP (Former)	)	
Office of Budget and Planning	)	
Office of the Chief Financial Officer	)	
5586 LaVista Drive	)	
Alexandria, Virginia 22310	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Sohalia Alemi, Acting Branch Chief – CIP (Former), Office of Budget and Planning, Office of the Chief Financial Officer, failed to timely file, a Financial Disclosure Statement for calendar year 2003, on or before May 15, 2004 as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 21, 2004.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated February 10, 2005 and February 25, 2005, OCF ordered Sohalia Alemi (hereinafter respondent), to appear at scheduled hearings on February 25, 2005 and March 9, 2005 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2003, on or before June 21, 2004.

On March 9, 2005, the respondent appeared at the rescheduled hearing and testified that she believed she filed initially in May 2004. Respondent further stated that she filed a second time in June 2004, after receiving a notice from OCF and contacting the agency on the last day of the extended filing deadline for information. Respondent

stated that she resigned from the District Government on September 7, 2004, and that she was a member of the Excepted Service. Respondent filed the required Financial Disclosure Statement on June 23, 2004, and filed a final Financial Disclosure Statement for 2004 at the conclusion of the hearing.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent was a member of the Excepted Service.
2. Respondent timely filed Financial Disclosure Statements for calendar years 2001 and 2002 on May 13, 2002 and May 14, 2003 respectively.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2003, on or before June 21, 2004.
4. Respondent filed the required Financial Disclosure Statement with OCF on June 23, 2004.
5. Respondent has no history of prior filing delinquencies.
6. Respondent provided a credible explanation for the filing delinquency because she believed she filed an initial Financial Disclosure Statement with OCF in May 2004; and, it is more reasonable than not that she did so given her filing history.
7. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$100.00 for failing to timely file a Financial Disclosure Statement.

4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, in that she believed she initially filed a Financial Disclosure Statement with OCF in May 2004, coupled with a favorable filing history, constitute good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of a fine in this matter.

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**Date**

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**Jean Scott Diggs  
Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams  
General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine be hereby suspended in this matter.

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**Date**

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**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order, by regular mail, on respondent on May 13, 2005.

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**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.